

REMARKS

This amendment is responsive to the Final Office Action of October 21, 2009. Reconsideration and allowance of claims 2-9 and 11-21 are requested.

The Office Action

Claims 2, 5, 6, 8, 11, 18, and 21 stand rejected under 35 U.S.C. § 112, second paragraph, and under 35 U.S.C. § 103 over Maeda (US 5,966,310) as modified by Bodor (US 6,201,546).

Claims 4 and 7 stand rejected under 35 U.S.C. § 103 over Maeda as modified by Bodor, as further modified by Levy (US 6,731,324).

Claim 9 stands rejected under 35 U.S.C. § 103 over Maeda in view of Bodor, further in view of allegedly admitted prior art.

Claim 3 stands rejected under 35 U.S.C. § 103 over Maeda in view of Bodor.

Claims 12-15 stand rejected under 35 U.S.C. § 103 over Maeda as modified by Bodor, as further modified by Levy.

Claim 16 stands rejected under 35 U.S.C. § 103 over Maeda as modified by Bodor, as further modified by Brown (US 6,168,563).

Claim 17 stands rejected under 35 U.S.C. § 103 over Maeda as modified by Bodor, as further modified by Brown, as further yet modified by Levy, and under 35 U.S.C. § 112, second paragraph.

Claims 19 and 20 stand under 35 U.S.C. § 112, second paragraph. Because no other statutory basis for rejecting claims 19 and 20 is expressly set forth nor is any prior art basis set forth, it is understood that claims 19 and 20 contain allowable subject matter and will be allowed once the 35 U.S.C. § 112 issues are resolved.

The Present Amendment Should Be Entered

The present amendment should be entered as simplifying the issues on appeal and as placing the application in condition for allowance.

This amendment addresses, and, it is submitted cures, the 35 U.S.C. § 112 issues raised by the Examiner.

For the reasons enumerated below, this amendment places the application in condition for allowance.

**Claims 3 and 12-17 Distinguish Patentably
Over the References of Record**

First, it is submitted that the combination of Maeda and Bodor do not teach or fairly suggest the combination of claim 3. Maeda is directed to a CAD CAM design system for designing equipment, particularly general consumer and personal equipment. Bodor indicates that its system could be used in relation to medical devices and equipment. It is submitted that if one were to modify Maeda using the fair teachings of Bodor, the result would be a CAD CAM type system for designing medical instruments or equipment rather than a system which enables patients to virtually experience upcoming medical procedures.

Claim 3 calls for selecting a three-dimensional representation of a model of the indicated type of medical equipment which is found at an indicated medical care location. This is advantageous because a patient who wants to gain more information about an upcoming medical care procedure, such as an MRI exam, does not need to know the model of MRI scanner which is located at the location to which the patient is going for the MRI scan. Moreover, the patient does not need to go through the hassle of trying to determine what model of MRI scanner is at the location. Indeed, it is submitted that trying to ascertain the model of MRI scanner in a given location is not easily done and would a time-consuming process which, to many patients ready to undergo an MRI scan or other medical care procedure, would be unsuccessful.

Accordingly, it is submitted that claim 3 and claims 12-17 dependent therefrom distinguish patentably and unobviously over the references of record.

Claim 12 calls for a voice audible to the person describing elements of the medical care activity. Levy relates to an audio/visual system by which a remote technician can see indicator lights and hear indicator sounds, such as a buzzer, of real equipment from a remote site. Levy fails to suggest generating a voice audible to the person describing elements of a medical care activity. Accordingly, it is submitted that claim 12 distinguishes patentably over the references of record.

Claim 13 calls for generating sounds heard by a patient during the medical care activity. Levy discloses a system by which a remote technician can see

and remotely hear real medical equipment for diagnosing problems with the equipment. Levy does not suggest creating sounds for a virtual medical procedure which emulate the sounds that a person will hear during the medical care activity. Accordingly, it is submitted that claim 13 and claims 14 and 15 dependent therefrom distinguish patentably and unobviously over the references of record.

Claim 14 calls for the view point to be inside the medical care equipment. This enables the person to see and hear what happens inside the medical care equipment during the medical care activity. Neither Maeda, nor Bodor, nor Levy, nor the combination thereof suggest enabling a viewer to see the inside of medical equipment to see what happens during the medical care activity. Accordingly, it is submitted that claim 14 distinguishes patentably over the references of record.

Claim 15 calls for generating a display offering the person the option to select facial characteristics of himself or herself and for the series of two-dimensional views to include a depiction of a patient with the selected facial characteristics. Maeda, at column 3, lines 7-9, referenced by the Examiner, relates to sensibility data by which the user can determine whether the designed consumer or personal product is usable by the person, such as whether hand-held equipment is of an appropriate size to conform to the user's fingers. There is no suggestion of placing facial characteristics of the viewer on a patient in a medical procedure simulation. Accordingly, it is submitted that claim 15 distinguishes patentably over the references of record.

Claim 16 calls for the two-dimensional views to depict the operator control buttons and for such operator control buttons to be activatable by the person to control the operation of the depicted medical care equipment. Brown, cited by the Examiner, relates to a touch pad for inputting information or commands into a hand-held microprocessor unit. Brown makes no suggestion of enabling a person to control virtual medical equipment. Accordingly, it is submitted that claim 16 distinguishes patentably over the references of record.

Claim 17 calls for an MRI device. Maeda and Bodor both relate to systems for designing small products and neither suggests simulating an MRI device. Accordingly, it is submitted that claim 17 distinguishes patentably over the references of record.

**Claims 2, 4-9, 11, 18 and 21 Distinguish Patentably
Over the References of Record**

Claim 6 calls for viewing a series of two-dimensional images depicting a medical care activity by selected medical care equipment from one of a viewpoint of the patient undergoing the medical care activity, or a viewpoint inside of the selected medical care equipment to see what happens inside the medical care equipment during the medical care activity. Neither Maeda nor Bodor disclose or fairly suggest viewing medical care equipment from a viewpoint of a patient undergoing the medical care activity or from a viewpoint inside the selected medical care equipment to see what happens inside the medical care equipment during the medical care activity. Accordingly, it is submitted that claim 6 and claims 2, 4, 5, 7-9, 11, 18, and 21 dependent therefrom distinguish patentably over the references of record.

Claim 4 calls for the database to include an electronic representation of audio information relating to the medical care equipment. By contrast, Levy relates to a video/audio system which enables a technician to view a piece of real equipment in real time. Accordingly, it is submitted that claim 4 and claim 7 dependent therefrom distinguish patentably over the references of record.

Claim 5 calls for the medical care equipment to include a diagnostic imaging device. Neither Maeda nor Bodor disclose or fairly suggest generating a series of images depicting a diagnostic imaging procedure from either the viewpoint of an imaging device or from a viewpoint which shows the inner workings of the diagnostic imaging device. Accordingly, it is submitted that claim 5 distinguishes patentably over the references of record.

Claim 8 calls for generating a display offering the person an option to include facial characteristics of himself or herself on the depicted patient. Column 3, lines 7-9 of Maeda referenced by the Examiner reference using sensibility information to ensure that the equipment is of a size which conforms to a user. This section of Maeda does not suggest depicting a patient, much less a patient with physical characteristics of the viewer. Accordingly, it is submitted that claim 8 and claim 11 dependent therefrom distinguish patentably over the references of record.

Claim 9 calls for generating a display offering the person an option to include a name of a medical care location. Further, claim 9 calls for the database to be indexed by the medical care location, which medical care location location is used

in retrieving the three-dimensional electronic representation of the selected medical care equipment. These limitations are not shown by Maeda or Bodor.

Further, the applicant has not conceded that the limitations not shown by Maeda and Bodor are prior art. To the contrary, the applicant traversed any such assertions in the Amendment of June 3, 2009 which was responsive to the non-final Office Action of April 15, 2009. Moreover, that which the Examiner now asserts to be prior art is different from what the Examiner previously asserted to be prior art in earlier Office Actions. The applicant traverses the Examiner's new assertion of well-known prior art pursuant to MPEP 2144.03 and puts the Examiner to his proofs to cite an appropriate reference, in the context of the claims, to show that which the Examiner now alleges to be common knowledge or well-known prior art is in fact known. Specifically, the Examiner previously asserted that "the ability to search for medical care equipment by the name of a medical care location is well-known in the art..." The Examiner is now asserting that the non-disclosed subject matter of Maeda and Bodor is known prior art, particularly "on the display device, generating a display offering the person the option to include the name of a medical care location, the database being indexed by medical care location, which medical care location is used in retrieving the three-dimensional electronic representation of the selected medical care equipment such that the person can view the medical care equipment which is at the selected medical care location". Even if that which the Examiner asserted in the previous Office Action was common prior art, it is submitted that what the Examiner now asserts to be prior art is different from that which the Examiner previously asserted and patentably distinct therefrom and that is not prior art. Accordingly, it is submitted that claim 9 distinguishes patentably and unobviously over the references of record.

Claim 11 calls for a hyperlink to information on the selected medical care equipment. Column 17, lines 36-47 of Bodor do not suggest a hyperlink. Rather, this portion of Bodor indicates that the described system and methods are applicable to creating several listed displays, one of which is a display for online shopping. Creating an online shopping list does not suggest a hyperlink, much less a hyperlink to provide further information on selected medical care equipment. Accordingly, it is submitted that claim 11 distinguishes patentably over the references of record.

Claim 21 calls for offering the person an option of selecting to view a series of images depicting the medical care activity from the viewpoint of the patient, the operator, a spectator, and inside the medical equipment. Neither Maeda nor Bodor disclose or fairly suggest these four depiction options. Accordingly, it is submitted that claim 21 distinguishes patentably over the references of record.

**Claims 19 and 20 Distinguish Patentably
Over the References of Record**

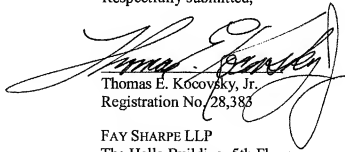
Claims 19 and 20 have been amended to resolve the 35 U.S.C. § 112 issues raised by the Examiner. Because the Examiner has not stated any other statutory grounds why claims 19 and 20 are not patentable, and because no definite combination of references have been applied against these claims, it is submitted that claims 19 and 20 distinguish patentably over the prior art. Accordingly, it is submitted that claims 19 and 20 are now in condition for allowance.

CONCLUSION

For the reasons set forth above, it is submitted that claims 2-9 and 11-21 distinguish patentably and unobviously over the references of record. An early allowance of all claims is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned at 216.363.9000.

Respectfully submitted,



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